

EXHIBIT A

From: Ian B. Crosby

Sent: Tuesday, June 18, 2024 2:48:09 PM

To: Hurst, Annette L. <ahurst@orrick.com>; Andrew.Gass@lw.com <Andrew.Gass@lw.com>

Subject: NYT/MS-OAI—Consolidation Motions

Counsel,

We are in receipt of Defendants' motions to consolidate The New York Times case and the New York Daily News case. To avoid burdening the Court with this issue, as well as with Defendants' opposition to The Times's motion for leave to amend its Complaint, The Times and the New York Daily News plaintiffs propose the following:

1. A single, coordinated discovery schedule that would govern The New York Times case and the New York Daily News case. This schedule would add 2 months to the schedule currently governing The New York Times case.
2. Coordination of depositions across the two cases, to be formalized in a deposition coordination protocol. This coordination would involve, at a minimum, consolidated 30(b)(6) deposition notices to be served on Defendants; depositions of Defendants' witnesses to occur in single sittings; and Defendants' cross-production of documents across the two cases.
3. Coordination of other necessary administrative issues, such as a single protective order and ESI order that would govern in both cases.
4. Defendants would withdraw their motions to consolidate and their opposition to The Times's motion for leave to amend in The Times case.

Please let us know if you would like to set up a call to discuss.

—Ian Crosby • Susman Godfrey LLP